IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

ORDER
IN
S.B. Civil Second Appeal No.278/2004

Khawaju Khan S/o Shri Abdul Rehman
...defendant-appellant
Versus
Abdul Hafiz S/o Shri Abdul Karim
...plaintiff-respondent
AND
Sabir S/o Ramzani Fakir
...defendant-respondent

Date of Order ::: 11.10.2006

Present
Hon'ble Mr. Justice Narendra Kumar Jain

Shri Mahesh Gupta, Counsel for defendant-appellant
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By the Court:-

Heard learned counsel for the defendant-appellant.

The plaintiff-respondent filed a suit for permanent injunction and possession in respect of the disputed plot. The defendant-appellant filed counter-claim in the said suit. The learned lower court dismissed the suit as well as the counter-claim. Being aggrieved with the same, both the parties preferred first appeals, but the learned first appellate court, vide its impugned judgment, dismissed the appeals filed by both the parties. This second appeal has been preferred on behalf of the defendant-appellant in

respect of his counter-claim.

I have considered the submissions of the learned counsel for the defendant-appellant. The controversial issues involved in the present case relate to question of fact and there is a concurrent finding of fact by both the courts below, which cannot be interfered with by this Court in second appeal under Section 100 of the CPC.

No substantial question of law is involved in this second appeal and the same is dismissed in limine.

(Narendra Kumar Jain) J.

//Jaiman//